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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,196	09/23/2003	Robert George Bean	STL11422	2633

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EXAMINER	
PUENTE, EMERSON C	
ART UNIT	PAPER NUMBER
2113	
MAIL DATE	DELIVERY MODE
05/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/669,196	BEAN ET AL.	
	Examiner	Art Unit	
	EMERSON C. PUENTE	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is made **Non-Final** after RCE.

Claims 1-21 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5,8-12, 15, 16, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,379,411 of Morgan et al. referred hereinafter "Morgan".

In regards to claim 1, Morgan discloses:

storing first information with first data at the same addressable storage location in a computer readable medium. Morgan discloses blocks of data with code bytes have a number of code bits and a block of configured data (see column 5 lines 55-60).

wherein the first information directly indicates the status of the first data. Morgan further discloses the code bits are reset to indicate the data transfer was successful, which indicates no fault in the configured data (see column 6 lines 23-28).

In regards to claim 2, Morgan discloses:

wherein the status indicates a reliability of the first data (see column 6 lines 21-28).

In regards to claim 3, Morgan discloses:

wherein the first information is a data reliability qualifier bit (see column 5 lines 60-65 and column 6 lines 21-28).

In regards to claim 4, Morgan discloses:

wherein the first information is embedded with the first data (see column 5 lines 60-65).

In regards to claim 5, Morgan discloses:

wherein the first information is appended with the first data (see column 5 lines 60-65).

In regards to claim 8, Morgan discloses:

storing first information with first data at the same addressable storage location of a computer readable medium. Morgan discloses blocks of data with code byte and check bytes (see column 5 lines 60-65).

wherein the first information indicates status of second data associated with the first data. Morgan further discloses a block of configured data (see column 5 lines 55-60), indicating second data, and the code byte is reset to indicate the data transfer was

successful, which indicates no fault in the configured data (see column 6 lines 23-28), indicating first information indicates status of second data associated with the first data.

In regards to claim 9, Morgan discloses:

wherein the status indicates a reliability of the second data (see column 6 lines 23-28).

In regards to claim 10, Morgan discloses:

wherein the first information is a data reliability qualifier (see column 6 lines 23-28).

In regards to claim 11, Morgan discloses:

wherein the first data is parity data (see column 4 lines 15-25).

In regards to claim 12, Morgan discloses:

wherein the first information is set to indicate that the second data is unreliable (see column 6 lines 23-28).

In regards to claim 15, Morgan discloses:

a computer readable medium having a plurality of storage areas (see column 4 lines 15-25); and

circuitry configured to perform at least one of a group consisting of a reading and a writing data with respect to the storage areas, wherein at least one of the storage areas includes first information stored with first data at the same addressable storage

location. Morgan discloses blocks of data with code byte and check bytes (see column 5 lines 60-65)

wherein the first information indicates status of second data associated with the first data. Morgan further discloses a block of configured data (see column 5 lines 55-60), indicating second data, and the code byte is reset to indicate the data transfer was successful, which indicates no fault in the configured data (see column 6 lines 23-28), indicating first information indicates status of second data associated with the first data.

In regards to claim 16, Morgan discloses:

wherein the circuitry includes a controller that is adapted to store the first information with the first data (see column 5 lines 55-65).

In regards to claim 18, Morgan discloses:

wherein the storage areas are in a RAID configuration. Morgan discloses parity bytes, indicating a RAID configuration (see column 4 lines 19-23).

In regards to claim 19, Morgan discloses:

wherein the first information is appended to the first data (see column 5 lines 60-65).

In regards to claim 20, Morgan discloses:

wherein the first information is embedded in the first data (see column 5 lines 60-65).

In regards to claim 21, Morgan discloses:

wherein the first information and the first data are generated by the same function (see column 5 lines 55-65).

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,020,805 of Talagala et al. referred hereinafter "Talagala".

In regards to claim 1, Talagala discloses:

storing first information with first data at the same addressable storage location in a computer readable medium, wherein the first information directly indicates the status of the first data. Talagala discloses storing version identifiers and integrity metadata such as checksums within the data block (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30)

In regards to claim 2, Talagala discloses:

wherein the status indicates a reliability of the first data (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30)

In regards to claim 3, Talagala discloses:

wherein the first information is a data reliability qualifier bit (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30).

In regards to claim 4, Talagala discloses:

wherein the first information is embedded with the first data (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30)

In regards to claim 5, Talagala discloses:

wherein the first information is appended with the first data (see figure 2 and column 6 lines 20-25).

In regards to claim 6, Talagala discloses:

storing second information with second data at another addressable location of the computer readable medium, the second information indicating the status of the first data. Talagala discloses a data storage system, which could be redundant arrays of disk drives under RAID 1 (see column 1 line 65 to column 2 line 1), implying duplicate or mirrored copy of the data block.

In regards to claim 7, Talagala discloses:

wherein the second information is set to indicate that the first data is unreliable bit (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30).

In regards to claim 8, Talagala discloses:

storing first information with first data at the same addressable storage location of a computer readable medium. Talagala discloses storing version identifiers and integrity metadata such as checksums within the data block (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30)

wherein the first information indicates status of second data associated with the first data. Talagala discloses a data storage system, which could be redundant arrays of disk drives under RAID 1 (see column 1 line 65 to column 2 line 1), implying duplicate or mirrored copy of the data block.

In regards to claim 9, Talagala discloses:

wherein the status indicates a reliability of the second data (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30).

In regards to claim 10, Talagala discloses:

wherein the first information is a data reliability qualifier (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30).

In regards to claim 11, Talagala discloses:

wherein the first data is parity data (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30).

In regards to claim 12, Talagala discloses:

wherein the first information is set to indicate that the second data is unreliable (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30).

In regards to claim 13, Talagala discloses:

storing second information to the second data at another addressable storage location of the computer readable medium, the second information indicating the status of the second data. Talagala discloses storing version identifiers and integrity metadata such as checksums within the data block (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30)

In regards to claim 14, Talagala discloses:

wherein the second information is set to indicate that the second data is unreliable (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30).

In regards to claim 15, Talagala discloses:

a computer readable medium having a plurality of storage areas and circuitry configured to perform at least one of a group consisting of a reading and a writing of data with respect to the storage areas (see column 4 lines 1-6).

wherein at least one of the storage areas includes first information stored with first data at the same addressable storage location. Talagala discloses storing version identifiers and integrity metadata such as checksums within the data block (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30)

wherein the first information indicates status of second data associated with the first data. Talagala discloses a data storage system, which could be redundant arrays of disk drives under RAID 1 (see column 1 line 65 to column 2 line 1), implying duplicate or mirrored copy of the data block.

In regards to claim 16, Talagala discloses:

wherein the circuitry includes a controller that is adapted to store the first information with the first data (see column 3 lines 55-57).

In regards to claim 17, Talagala discloses:

wherein at least another of the storage areas includes second information stored with the second data at another addressable storage location that indicates a status of the second data. Talagala discloses storing version identifiers and integrity metadata

such as checksums within the data block (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30).

In regards to claim 18, Talagala discloses:

wherein the storage areas are in a RAID configuration (see column 1 line 65 to column 2 line 1).

In regards to claim 19, Talagala discloses:

wherein the first information is appended to the first data (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30)

In regards to claim 20, Talagala discloses:

wherein the first information is embedded in the first data (see figure 2 and column 3 lines 15-22 and column 8 lines 25-30)

In regards to claim 21, Talagala discloses:

wherein the first information and the first data are generated by the same function (see figure 2 and column 1 lines 45-50 and column 3 lines 15-22)

Response to Arguments

Applicant's arguments filed March 26, 2009 with respect to claim have been fully considered but are not persuasive.

In response to the interview request submitted with response filed on March 26, 2009, the form submitted by applicant states "The interview is necessary and appropropriate in facilitating progress on the merits in accordance with the Office intended prosecution procedure in cases such as this one granted special status for accelerated examination", which provides no information that leads examiner to believe a disposal or clarification for the appeal may be accomplished. The MPEP recites that an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations which would require more than nominal reconsideration or new search should be denied. See MPEP § 713.09. If applicant would like an interview, examiner suggests submitting a new PTOL-413A form outlining the specific topics or issues the applicant would like to discuss that would result in a disposal or clarification for appeal with only nominal further consideration, as well as contact the examiner at the number shown below to determine a time for the interview. Applicant is also welcome to contact the examiner should there be any questions regarding an appropriate request for an interview to avoid delays in the future.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMERSON C. PUENTE whose telephone number is (571)272-3652. The examiner can normally be reached on 9-6 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Emerson C Puente/
Primary Examiner, Art Unit 2113